

# HOUSE . . . . . No. 1924

By Mr. Toomey of Cambridge, petition of Timothy J. Toomey, Jr., and others for legislation to build and renovate fire and police stations in the Commonwealth. Public Safety and Homeland Security.

## The Commonwealth of Massachusetts

PETITION OF:

Timothy J. Toomey, Jr.	Stephen M. Brewer
Christopher J. Donelan	Stephen R. Canessa
David Paul Linsky	Kevin G. Honan
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In the Year Two Thousand and Five.

AN ACT TO BUILD AND RENOVATE FIRE AND POLICE STATIONS IN THE COMMONWEALTH OF MASSACHUSETTS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. For the purposes of this act the following words  
2 and phrases shall have the following meanings:—  
3 “Board”, the public safety assistance board.  
4 “Joint public safety facility”, any building constructed,  
5 enlarged or renovated with the intent of housing more than one  
6 public safety agency.  
7 “Construction standards”, the standards promulgated by the  
8 public safety assistance board which shall be used to determine  
9 the minimum and maximum sizes, including square footage, com-  
10 pliance with health and safety codes, compliance with all applic-  
11 able provisions of federal, state and local law relative to the  
12 accessibility of facilities to handicapped persons, and the scope of

13 design of a municipal police station, fire station, or joint public  
14 safety facility.

15 “Capital construction project”, a project for the construction,  
16 enlargement or renovation of a municipal police station, fire sta-  
17 tion or joint public safety facility.

1 SECTION 2. (a) There is hereby established in the executive  
2 office of public safety, a public safety assistance board, which  
3 shall consist of five members to be appointed by the governor, one  
4 of whom shall be a representative from the Massachusetts Munic-  
5 ipal Association, one of whom shall be a representative of the  
6 Massachusetts Police Chiefs Association and one of whom shall  
7 be a representative of the Massachusetts Fire Chiefs Association.  
8 The governor shall first appoint one member for a period of one  
9 year, one member for a period of two years, one member for a  
10 period of three years, one member for a period of four years and  
11 one member for a period of five years; provided, however, that  
12 appointments made upon the expiration of a term of any member  
13 shall thereafter be for a period of five years. All members shall be  
14 residents of the commonwealth and one member shall be desig-  
15 nated by the governor, from time to time, as chairman. The secre-  
16 tary of the executive office of public safety, or his designee, shall  
17 serve as an ex-officio, non-voting member of said board.

18 (b) Said board shall be provided with suitable office space in  
19 the executive office of public safety. A majority vote of said board  
20 shall constitute action by the board; any action decided upon by  
21 said board shall be in writing and signed by a majority of said  
22 board. Each member of the board shall be reimbursed for any  
23 expenses actually incurred by him in the performance of his  
24 duties.

1 SECTION 3. All administrative and clerical duties deemed nec-  
2 essary to carry out the provisions of this chapter shall be carried  
3 out by employees within the executive office of public safety, sub-  
4 ject to the supervision and control of the board.

1 SECTION 4. (a) The board is hereby authorized and directed to  
2 establish and administer a grant program, to be known as the  
3 Public Safety Assistance Program through which the board shall

4 be charged with awarding and prioritizing grants to cities and  
5 towns for capital construction projects, and to encourage and  
6 foster the establishment and building of joint public safety facili-  
7 ties in cities and towns which the board deems appropriate.

8 (b) All such grants made pursuant to this act shall be paid from  
9 funds in the Public Safety Assistance Fund pursuant to section  
10 eleven of this act. No grant shall be approved for any amount  
11 greater than seventy-five percent of the total construction costs for  
12 a police or fire station facility; provided, however, that in the case  
13 of a joint public safety facility, a grant may be awarded for up to  
14 ninety percent of the total construction cost. In no case shall a  
15 grant include payment for the principal, interest or any other  
16 amount obligated to be paid by a city or town in furtherance of a  
17 capital construction project. The specific percentage that a city or  
18 town is eligible for, if approved, shall be determined in accor-  
19 dance with rules and regulations promulgated by the board pur-  
20 suant to this act; provided, however, that said rules and  
21 regulations shall include provisions to determine the financial  
22 obligations or two or more cities and towns when applying for a  
23 grant for a regional joint public safety facility; provided further  
24 that all grant payments shall be made by the public safety assis-  
25 tance board to a city or town in three equal payments over a three  
26 year period.

1 SECTION 5. Between January first and May first of each year,  
2 a city or town may apply to the board for a grant for a capital con-  
3 struction project, including costs incurred for the preparation of  
4 preliminary studies, plans, drawings and estimates related thereto.  
5 All applications shall comply with the construction standards pro-  
6 mulgated by the board pursuant to this act; provided, however,  
7 that any city or town which has certified blueprints for a police  
8 station, fire station or joint public safety facility prior to the effec-  
9 tive date of passage of this act, and who shall act in furtherance of  
10 said blueprints within one year of the effective date of passage of  
11 this act by commencing the capital construction project, shall not  
12 be subject to the construction standards promulgated by the board  
13 pursuant to this act. All application shall be accompanied by  
14 required documentation in the form prescribed by the board,  
15 including copies of the plans, drawings, estimates and other con-

16 struction documents, together with such additional information as  
17 the board may require.

1 SECTION 6. The board shall establish criteria for making a  
2 decision to approve or reject the grant application for a capital  
3 construction project, and to determine the amount of such a grant;  
4 provided, however, that each application shall be placed in one of  
5 the following three categories as determined by the population of  
6 the city or town in which the capital construction project will take  
7 place: — (1) cities or towns with a population of not more than  
8 25,000, (2) cities and towns with a population of more than  
9 25,000 but not more than 75,000, and (3) cities and towns with a  
10 population greater than 75,000. In making a decision to approve  
11 or reject an application, the board shall consider each category  
12 separately and shall in no case cause applicants from one category  
13 to compete for funding against applicants from any other category  
14 except the category in which the application was placed. The pop-  
15 ulation of a city or town shall be determined pursuant to the most  
16 recent census figures.

17 (b) The board may vote to approve or reject such application  
18 after it is satisfied that: (1) the plans so submitted are satisfactory  
19 with respect to site, type and adequacy of the proposed construc-  
20 tion or renovation; (2) that such a capital construction project is in  
21 the best interest of the respective city or town; (3) the city or town  
22 has demonstrated the ability and commitment to adequately main-  
23 tain a new facility according to standards set forth by the public  
24 safety assistance board; and (4) the expenses so incurred are rea-  
25 sonable.

26 (c) After a vote which results in the approval of an application,  
27 the board shall then list all approved applications in order of pri-  
28 ority and according to the three categories pursuant to subsection  
29 (a). Subject to availability of funding, the board shall certify to the  
30 comptroller for payment to such city or town, not exceeding such  
31 expenses, as it may deem proper. A city or town which has an  
32 approved capital construction project that has been prioritized by  
33 the board shall be notified of their ranking and said project shall  
34 not be removed from, or have its position altered on, the priority  
35 list until a grant has been awarded to such city or town except  
36 when conditions beyond the control of any city or town result in

37 the destruction of an existing police or fire facility, necessitating  
38 immediate action from the board.

39 (d) The board shall begin making awards and ranking applica-  
40 tions in order of priority pursuant to this section no later than Jan-  
41 uary first of the year following the effective date of this act. Each  
42 year thereafter said grants shall be awarded on or before Sep-  
43 tember first.

1 SECTION 7. (a) The board is hereby authorized to enter into  
2 contracts for technical service within the scope of its duties, to  
3 provide legal, architectural or other technical advice and assis-  
4 tance to all applicants in the planning, building or renovating of  
5 police and fire station facilities.

6 (b) The board is hereby authorized and directed to promulgate  
7 rules and regulations necessary to carry out the provisions of this  
8 act relative to capital construction project applications; provided,  
9 however, that said rules and regulations include standards to be  
10 known as “construction standards” which shall include a require-  
11 ment that all police station facilities shall be designed to include a  
12 so-called, community meeting room; provided, further that the  
13 board shall establish a formula for the equitable distribution of  
14 revenues from the Public Safety Assistance Fund for each of the  
15 three categories of applications pursuant to subsection (a) of  
16 section six; and provided, further, that said rules and regulations  
17 shall be promulgated no later than September fifteenth of the year  
18 following the effective date of this act.

1 SECTION 8. The board may recommend to the general court  
2 such legislation as it may deem desirable or necessary to further  
3 the purposes of this act. The board shall submit biannual reports  
4 to the house and senate committees on ways and means and to the  
5 joint committee on public safety. Said reports shall include, but  
6 not be limited to, a listing of applications received and approved  
7 by the board to receive a grant under both grant programs,  
8 together with the amount of each such grant, and a listing of cities  
9 and towns whose applications have not been approved, together  
10 with the reason for failure to approve such applications.

1 SECTION 9. (a) Any city or town which engages in a capital  
2 construction project using funds from a grant pursuant to this act  
3 shall not be eligible to apply for or receive a grant pursuant to this  
4 act for the construction or rehabilitation of the building which was  
5 the subject of said capital construction project for a period of  
6 twenty years; provided, however, that the board may waive the  
7 provisions of this section when conditions beyond the control of a  
8 city or towns severely damage or destroy the building which was  
9 previously the subject of a capital construction project.

10 (b) A city or town which engages in a capital construction pro-  
11 ject using funds from a grant pursuant to this act shall not hire an  
12 individual or company to work on said project in any manner  
13 without proof that said individual or company will pay to its  
14 employees the current prevailing wage in the commonwealth.  
15 Such proof shall be furnished to the board in the form of an affi-  
16 davit signed by the owner of the business contracted to perform  
17 work, or the agent of such owner.

1 SECTION 10. The commonwealth of Massachusetts shall  
2 expend \$20,000,000 in fiscal year 2004 for funding of grants  
3 made pursuant to the establishment of the Public Safety Assis-  
4 tance Fund, for the planning and studies, acquisition of land and  
5 buildings and interest therein, the preparation of plans and specifi-  
6 cations, construction, renovation, reconstruction, alteration,  
7 improvement, demolition, expansion, repair and equipment for  
8 municipal police and fire facilities; provided that the secretary of  
9 the executive office of public safety shall file an annual spending  
10 plan with the house and senate committees on ways and means,  
11 which details, by subsidiary, all administrative costs charged to  
12 this item. This amount shall increase to \$40,000,000 in fiscal year  
13 2006 and \$60,000,000 in fiscal year 2007, at which time the  
14 annual amount shall remain \$60,000,000.